

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,                     :  
Plaintiff   :

vs.   : CRIMINAL NO. 1:CR-01-146-02

KEITH WALKER,                                     :  
Defendant   :

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On December 5, 2004, Defendant filed a document entitled "Motion for Definitive Determination of Amount and Timing of Restitution Payments During Incarceration." The motion was not served on the United States Attorney.

Defendant was sentenced on May 13, 2002, to a term of imprisonment and was ordered to make restitution to the victims of his crime. The sentencing judgment provided that the restitution was due in full immediately and is payable during the period of incarceration. Apparently the Bureau of Prisons has been deducting a portion of Defendant's earnings, to be applied to his obligation.<sup>1</sup>

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<sup>1</sup>We are not informed of Defendant's wages or the amount or percentage withheld from his prison earnings.

The Defendant contends that the court is obliged by statute to set the schedule for payment of restitution, and cannot delegate this responsibility to the BOP, relying on 18 U.S.C. §§ 3663 and 3664 and cases cited in his motion.

Before addressing Defendant's motion we believe it is appropriate to receive a response from the United States Attorney, addressing the propriety of the current scheme for collecting restitution from inmates, and whether Defendant's assertions have merit.

It is Ordered that a response to defendant's motion be filed within thirty (30) days hereof.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge

Date: December 15, 2004